United Nations S/AC.29/2009/1

Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 26 February 2009 from the Permanent Mission of Serbia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Serbia to the United Nations presents its compliments to the Chairman of the Committee established pursuant to Security Council resolution 751 (1992) and has the honour to forward, enclosed herewith, the report of the Government of the Republic of Serbia on measures taken to implement Security Council resolution 1844 (2008) (see annex).

09-29234 (E) 070409

Please recycle

Annex to the note verbale dated 26 February 2009 from the Permanent Mission of Serbia to the United Nations addressed to the Chairman of the Committee

Government of the Republic of Serbia: report on measures taken to implement Security Council resolution 1844 (2008)

Proceeding from its international obligations and domestic laws (the Law on Foreign Trade in Arms, Military Equipment and Dual-Purpose Goods, *Official Gazette of Serbia and Montenegro*, No. 7, 18 February 2005, and the bylaws incorporating the relevant criteria from the European Union Code of Conduct on Arms Exports; Law on the Transport of Dangerous Substances, *Official Gazette of the Socialist Federal Republic of Yugoslavia*, Nos. 27/90 and 45/90, and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 24/94, 28/96, 21/99, 44/99 and 68/02; Law on Trade in Explosive Substances, *Official Gazette of the Socialist Federal Republic of Yugoslavia*, Nos. 30/85, 6/89 and 53/91, and *Official Gazette of the Federal Republic of Yugoslavia*, Nos. 24/94, 28/96 and 68/02; and the Law on the Protection of the State Border of 23 October 2008, *Official Gazette of the Republic of Serbia*, No. 97/08), the Republic of Serbia has taken the following measures to implement paragraphs 1 to 7 of Security Council resolution 1844 (2008):

- Prevention of entry into or transit through its territory of individuals designated by the Committee under paragraph 8.
- Freezing of funds and other financial assets and economic resources, if found in its territory, owned or controlled, directly or indirectly, by individuals or entities designated by the Committee.
- Effective ban of arms exports to Somalia, imposed by Security Council resolution 733 (1992) and extended and supplemented by Security Council resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007).
- Necessary measures aimed at preventing the direct or indirect supply, sale or transfer of arms or military equipment, and direct or indirect technical assistance and training, financial and other assistance, including investment, brokering or other financial services related to military activities or the supply, sale, transfer, production, maintenance and use of arms and military equipment to individuals or entities designated by the Committee.

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Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 9 March 2009 from the Permanent Mission of China to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia, and has the honour to attach its report pursuant to paragraph 25 of resolution 1844 (2008) on steps taken by the Government of China to implement paragraphs 1 to 7 of resolution 1844 (2008) (see annex).

09-29240 (E) 070409 080409

Please recycle

Annex to the note verbale dated 9 March 2009 from the Permanent Mission of China to the United Nations addressed to the Chairman of the Committee

[Original: Chinese and English]

Report on China's implementation of Security Council resolution 1844 (2008)

Immediately after the adoption of Security Council resolution 1844 (2008), the Foreign Ministry of China, under the authorization of the State Council, issued a note to commissions and ministries of the State Council and to directly affiliated institutions, the governments of provinces, autonomous regions and municipalities, as well as the Hong Kong and Macao special administrative regions, requiring them to implement the resolution.

Since the adoption of Security Council resolution 733 (1992) on comprehensive arms embargo against Somalia, China has never provided or approved the export of any arms to Somalia.

China will implement paragraphs 1 to 5 and 7 of resolution 1844 (2008) in accordance with the list of individuals and entities identified by the Security Council Committee established pursuant to resolution 751 (1992).

United Nations S/AC.29/2009/3

Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 13 March 2009 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia and has the honour to attach its report pursuant to paragraph 25 of resolution 1844 (2008) on steps taken by the Government of Japan to implement paragraphs 1 to 7 of resolution 1844 (2008) (see annex).

09-29249 (E) 080409

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Annex to the note verbale dated 13 March 2009 from the Permanent Mission of Japan to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia

1. Japan's export control legislation and measures in accordance with paragraphs 6 and 7 of Security Council resolution 1844 (arms embargo)

The Government of Japan has been dealing carefully with arms control, in accordance with the three principles on arms exports (hereinafter referred to as "the three principles") and their related policy guidelines in order to avoid any possible aggravation of international conflicts. The three principles have formed Japan's basic policy concerning its arms exports since they were declared at the Diet session in 1967. Arms as referred to in the three principles are defined as goods that are used by military forces and that are directly employed in combat; specifically, the 17 goods listed under item 1 of annexed list 1 of the Export Trade Control Order (see enclosure).

Under the three principles, arms exports to the following countries or regions shall not be permitted:

(a) Communist bloc countries;

(b) Countries subject to arms exports embargo under Security Council resolutions;

(c) Countries involved in or likely to be involved in international conflicts.

In February 1976, at the Diet session, the Government of Japan announced the implementing policy guidelines, which outlined that arms exports to other areas not included in the three principles would also be restrained, in conformity with Japan's position as a peace-loving nation. In other words, the implementing collateral policy guidelines declared that the Government of Japan shall not promote "arms" exports, regardless of the destination.

Japan's export control system is based on the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1948) (hereinafter referred to as the "Foreign Exchange Law"), which provides the general legal framework governing Japan's external transactions, as well as the Export Trade Control Order (Executive Order No. 414 of 1949) (for goods) and the Foreign Exchange Order (Executive Order No. 260 of 1980) (for technologies). In accordance with those regulations, the Government of Japan exercises careful control over exports of all items on the lists attached to the orders by means of a licensing requirement.

Based on the Foreign Exchange Law, the Government of Japan controls the export of goods and technologies that appear under the 17 items described as "subject to control" in the Export Trade Control Order (see enclosure) and the Foreign Exchange Order Attachment List. Goods and technologies described on those lists correspond to the goods and technologies controlled by the four international export control regimes, namely the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Australia Group.

2. **Measures in accordance with paragraphs 1 and 2 of Security Council resolution 1844 (2008) (travel ban)**

In light of the absence of a list of individuals designated by the Committee, the Government of Japan has taken preliminary actions, which are necessary to implement the measures required in the paragraphs of the above-mentioned resolution.

3. **Measures in accordance with paragraphs 3, 4 and 5 of Security Council resolution 1844 (2008) (asset freeze)**

In light of the absence of a list of individuals and entities designated by the Committee, the Government of Japan has taken preliminary actions, which are necessary to implement the measures required in the paragraphs of the above-mentioned resolution.

Enclosure

Arms and arms production-related equipment listed as item 1 of the annexed list 1 of the Export Trade Control Order

1. Firearms, and cartridges to be used thereof (including those to be used for emitting light or smoke), and accessories and parts thereof.

2. Ammunition (excluding cartridges) and equipment for its dropping or launching, and accessories and parts thereof.

3. Explosives (excluding ammunition) and military fuel.

4. Explosive stabilizers.

5. Directed energy weapons and parts thereof.

6. Kinetic energy weapons (excluding firearms) and equipment for their launching, including parts thereof.

7. Military vehicles and accessories and bridges specially designed for military use thereof, including parts thereof.

8. Military vessels and hulls and accessories thereof, including parts thereof.

9. Military aircraft and accessories and parts thereof.

10. Anti-submarine nets, anti-torpedo nets and buoyant electric cable for sweeping magnetic mines.

11. Armour plates and military helmets, including bullet-proof jackets and parts thereof.

12. Military searchlights and control equipment thereof.

13. Bacterial, chemical, and radioactive agents for military use, including equipment and parts thereof for dissemination, protection, detection or identification thereof.

13-2. Chemical mixtures specially formulated for the decontamination of objects contaminated with biological agents and radioactive materials adapted for use in war and chemical warfare agents.

14. Biopolymers for detection and identification of chemical agents for military use and cultures of cells for the production thereof, as well as biocatalysts for decontamination and degradation of chemical agents for military use and expression vectors, viruses or cultures of cells containing the genetic information necessary for the production thereof.

15. Equipment and parts thereof for the production or testing of military explosives.

16. Equipment for the production or testing of arms, including parts and accessories thereof.

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Security Council

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3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 19 March 2009 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia and has the honour to enclose the report of New Zealand on the implementation of sanctions imposed under Security Council resolution 1844 (2008) (see annex).

09-29256 (E) 080409

Please recycle

Annex to the note verbale dated 19 March 2009 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

Report of New Zealand on the implementation of sanctions imposed under United Nations Security Council resolution 1844 (2008)

Under paragraph 25 of Security Council resolution 1844 (2008), the Council decided that all Member States should report to the Committee within 120 days of its adoption on the steps they had taken with a view to implementing paragraphs 1 to 7 of the resolution.

New Zealand wishes to inform the Committee that it is working to implement resolution 1844 (2008) by way of amendments to the United Nations Sanctions (Somalia) Regulations of 1992, promulgated under the United Nations Act 1946. The process for amending the Regulations is now underway. It is anticipated that the United Nations Sanctions (Somalia) Amendment Regulations 2009 will enter into force in May 2009.

Implementation of paragraphs 1 and 2: travel ban

> "1. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;
>
> "2. *Decides* that the measures imposed by paragraph 1 above shall not apply:
>
> (a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or
>
> (b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region;"

The United Nations Sanctions (Somalia) Amendment Regulations 2009 ("the Regulations") will provide for a travel ban against individuals designated by the Committee, as required under paragraph 1 of resolution 1844 (2008). The Regulations will also include the exceptions to the travel ban set out in paragraph 2 of resolution 1844 (2008).

Implementation of paragraphs 3, 4 and 5: assets freeze

> "3. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides

further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities;

"4. *Decides* that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee;

"5. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen."

The Regulations will implement the assets freeze measures on designated individuals and entities required under paragraph 3 of resolution 1844 (2008), by prohibiting dealings in assets, money, or securities of, or derived from, property of designated persons or entities, and by prohibiting sending funds to designated persons or entities. The Regulations will provide for the exceptions to the assets freeze listed in paragraphs 4 and 5 of resolution 1844 (2008).

Implementation of paragraphs 6 and 7: arms embargo

"6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007);

"7. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below;"

The current regulations (United Nations Sanctions (Somalia) Regulations 1992, regulations 3 to 10) implemented the general and complete arms embargo against Somalia reaffirmed in paragraph 6 of resolution 1844 (2008). They do not, however, currently implement paragraphs 1 and 2 of resolution 1425 (2002), prohibiting the provision to Somalia of assistance (including financial), advice, or training relating to military activities. Accordingly, the United Nations Sanctions (Somalia) Amendment Regulations 2009 will also include an express prohibition on the provision of any technical advice, financial or other assistance, or training, if it relates to military activities, to a person in Somalia, subject to the relevant exceptions provided in resolutions 1744 (2007), 1772 (2007), 1846 (2008) and 1851 (2008).

The Regulations will also provide for an individual targeted arms embargo (including a ban on training and assistance) on designated individuals and entities, as required by paragraph 7 of resolution 1844 (2008).

Implementation of paragraph 12 of resolution 1846 (2008) and paragraph 11 of resolution 1851 (2008)

For completeness, it is also noted that in order to implement paragraph 12 of resolution 1846 (2008) and paragraph 11 of resolution 1851 (2008), the existing arms embargo regulations (United Nations Sanctions (Somalia) Regulations 1992, regulations 3 to 10) will be amended to provide an exception for arms or assistance provided to Member States or regional organizations for the purpose of undertaking anti-piracy measures off the Somali coast.

Further information on New Zealand's implementation of Security Council sanctions, including an electronic copy of the United Nations Sanctions (Somalia) Regulations 1992, is available at http://mfat.govt.nz/Treaties-and-International-Law/09-United-Nations-Security-Council-Sanctions/index.php. The website will be updated once the amendment regulations have been promulgated.

New Zealand
Ministry of Foreign Affairs and Trade
Wellington
March 2009

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Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 19 March 2009 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Greece to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and, with reference to paragraph 25 of resolution 1844 (2008), has the honour to submit its national report on the steps Greece has taken with a view to implementing effectively the aforementioned resolution (see annex).

09-29268 (E) 070409

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Annex to the note verbale dated 19 March 2009 from the Permanent Mission of Greece to the United Nations addressed to the Chairman of the Committee

Report of Greece in accordance with paragraph 25 of resolution 1844 (2008)

Pursuant to paragraph 25 of resolution 1844 (2008), Greece notes that the following steps have been taken in order to implement paragraphs 1 to 7 of the resolution:

In accordance with the provisions of Law 92/1967 regarding the implementation of United Nations sanctions, the resolution adopted by the Security Council related to the imposition of a total or partial interruption of economic relations, are initially published in the Official Gazette, by way of a decision of the Minister for Foreign Affairs. Following this, their implementation is ordered by way of a Presidential decree. The Presidential decree reiterate the sanctions imposed by the Security Council and call for the implementation of any measures imposed.

Pursuant to the above-mentioned law, persons found to be violating United Nations sanctions that have been implemented through Presidential decrees are subject to imprisonment of up to five years and/or financial penalties.

Resolution 1844 (2008) has already been published in the Official Gazette by a decision of the Minister for Foreign Affairs, and the publication of the relevant Presidential decree is under way.

Regarding the specific measures described in paragraphs 1 to 7 of resolution 1844 (2008), and as far as the freezing of assets is concerned, it should be noted that the Bank of Greece informs the institutions under its supervision, on a daily basis, of any United Nations or European Union decisions concerning the freezing of assets of individuals and entities which:

(a) Engage in or provide support for acts that threaten the peace, security or stability of Somalia;

(b) Have acted in violation of the arms embargo;

(c) Obstruct the delivery of humanitarian assistance to Somalia.

Further to the fact that financial institutions must adhere, in all cases, to the procedures relating to the prevention of money-laundering and terrorist financing, the Bank of Greece has deemed it necessary to advise the financial institutions of the necessity of demonstrating due diligence in the evaluation of funds flowing in and out of Somalia, as well as of the transactions with Somalia's individuals and entities.

Concerning the prevention of entry into the Greek territory, it is noted that no incident of non-compliance with this obligation has been recorded.

United Nations S/AC.29/2009/6

Security Council

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3 April 2009
English
Original: English and French

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 March 2009 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

In paragraph 25 of its resolution 1844 (2008), the Security Council decided that all Member States shall report to the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia within 120 days of the date of adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 of resolution 1844 (2008).

Canada wishes to inform the Committee that it is effectively implementing all measures mandated by resolution 1844 (2008) through the application of the Regulations Implementing the United Nations Resolutions on Somalia (SOR/2009-92) (the "Somalia Regulations"), as well as the Immigration and Refugee Protection Act and the Export and Import Permits Act.

Canada's report of 19 March 2009 on the implementation of paragraphs 1 to 7 of resolution 1844 (2008) is attached herewith (see annex).

09-29525 (E) 160409

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Annex to the note verbale dated 20 March 2009 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

Report of Canada on the implementation of measures decided by Security Council resolution 1844 (2008)

In paragraph 25 of its resolution 1844 (2008), the Security Council calls upon all Member States to report to the Committee within 120 days of the date of adoption of the resolution, on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 of the resolution.

Canada wishes to inform the Committee that it is effectively implementing all measures mandated by resolution 1844 (2008) through the application of the Regulations Implementing the United Nations Resolutions on Somalia (SOR/2009-92) (the "Somalia Regulations"), as well as the Immigration and Refugee Protection Act and the Export and Import Permits Act as follows:

Paragraph 1 of Security Council resolution 1844 (2008)

"*The Security Council*,

"1. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory".

Section 35 of the Immigration and Refugee Protection Act enables Canada to prevent the entry into or transit through its territory of the individuals designated by the Committee pursuant to the provisions of paragraph 8 of resolution 1844 (2008). The Immigration and Refugee Protection Act also allows for the exceptions and exemptions to the travel ban in accordance with paragraph 2 of resolution 1844 (2008).

Paragraph 3 of Security Council resolution 1844 (2008)

"*The Security Council*,

"3. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities".

The provisions of paragraph 3 of resolution 1844 (2008) are implemented in Canada pursuant to Section 5 of the Somalia Regulations which prohibits all persons in Canada and all Canadians outside Canada from:

(a) Dealing directly or indirectly in any property in Canada as at 20 November 2008 or at any time after that date, that is owned or controlled by a person or entity designated by the Security Council Committee pursuant to the provisions of paragraph 3 or 8 of resolution 1844 (2008);

(b) Entering into or facilitating financial transaction related to dealings referred to in paragraph (a) above;

(c) Providing financial or related services in respect of the property referred to in paragraph (a) above;

(d) Making any property or any financial or other related service available, to or for the benefit of a person or entity designated by the Security Council Committee pursuant to paragraph 3 or 8 of resolution 1844 (2008); or

(e) Doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by paragraphs (a) to (d).

The definition of "designated person" in the Somalia Regulations is dynamic and captures all individuals or entities designated by the Security Council Committee pursuant to paragraphs 3 and 8 of resolution 1844 (2008).

In accordance with paragraphs 4 (a), (b) and (c) of resolution 1844 (2008), Sections 16 (1) and (2) of the Somalia Regulations also allow for exemptions to the assets freeze.

Paragraph 6 of Security Council resolution 1844 (2008)

"*The Security Council*,

"6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007)".

Pursuant to Section 3 (a) of the Somalia Regulations, all persons and entities in Canada are prohibited from exporting, selling, supplying, transferring or shipping, directly or indirectly, to any person or entity in Somalia any arms or related material. Furthermore, Section 3 (b) of the Somalia Regulations prohibits all persons or entities in Canada from providing or transferring, directly or indirectly, technical, financial or other assistance related to military activities to any person or entity in Somalia.

In addition, pursuant to Section 6 of the Somalia Regulations, all persons in Canada are prohibited from doing anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by Section 3.

Moreover, the Export and Import Permits Act requires a permit for the export from Canada of all goods listed on the Export Control List. All military and strategic dual-use goods, as defined by the appropriate international export control regimes, are listed on the Export Control List, and therefore require a permit.

Sections 10 to 14 of the Somalia Regulations allow for exemptions to the arms embargo as set out in paragraphs 2 and 3 of resolution 1356 (2001), paragraph 5 of resolution 1725 (2006), paragraphs 6 (a), 6 (b) and 7 of resolution 1744 (2007), and paragraphs 11 (a), 11 (b) and 12 of resolution 1772 (2007).

Paragraph 7 of Security Council resolution 1844 (2008)

"*The Security Council*,

"7. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below".

Pursuant to Section 4 of the Somalia Regulations, all Canadians and all persons and entities in Canada are prohibited from exporting, selling, supplying, transferring or shipping any arms or related material and from providing or transferring technical, financial or other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of arms and related material, directly or indirectly, to a person or entity designated by the Committee pursuant to paragraph 8 of resolution 1844 (2008).

United Nations S/AC.29/2009/7

Security Council

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3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 19 March 2009 from the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and with reference to the latter's note of 17 February 2009 has the honour to transmit herewith the report of the Republic of Belarus on steps taken with a view to implementing effectively resolution 1844 (2008) (see annex).

09-29490 (E) 150409 150409

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Annex to the note verbale dated 19 March 2009 from the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Measures taken by Belarus to implement Security Council resolution 1844 (2008)

The Ministry of Foreign Affairs of the Republic of Belarus promptly informed all competent national authorities about the measures that must be taken in accordance with paragraphs 1 to 7 of Security Council resolution 1844 (2008).

The competent national authorities shall conduct monitoring of all the individuals and entities indicated in Security Council resolution 1844 (2008), meaning that, in the Republic of Belarus, measures will be applied in respect of those individuals and entities as provided for in paragraphs 1 and 2 of the resolution.

The State bodies of the Republic of Belarus which are authorized to issue arms export and import permits have taken the necessary measures to introduce a ban on the supply of arms and related materials in accordance with paragraph 7 of Security Council resolution 1844 (2008).

The national bodies authorized to issue arms export and import permits have taken the necessary measures to introduce a complete arms embargo against Somalia in order to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment.

The financial organizations of the Republic of Belarus have been instructed to follow in their work the provisions of paragraph 3 of Security Council resolution 1844 (2008) regarding the freezing of funds, other financial assets and economic resources which are in the territory of the Republic of Belarus and which are owned or controlled, directly or indirectly, by individuals or entities designated by the Committee, or by individuals or entities acting on their behalf of or at their direction. They have also been instructed to monitor the provision of grants, financial assistance and concessional loans to those individuals and entities.

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Security Council

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3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 March 2009 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 751 (1992) concerning Somalia, and has the honour to present its report pursuant to paragraph 25 of resolution 1844 (2008) on steps taken by the Government of Austria to implement paragraphs 1 to 7 of resolution 1844 (2008).

Austria, as a Member State of the European Union (EU), implements the restrictive measures against Somalia imposed by Security Council resolution 1844 (2008) by taking the following measures:

Firstly, through the following legal acts of the European Union and/or the European Community (EC):

- Council common position 2009/138/CFSP of 16 February 2009 concerning restrictive measures against Somalia and repealing common position 2008/960/CFSP.
- A Council regulation to be adopted without delay.

Secondly, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against Somalia imposed by Security Council resolution 1844 (2008):

- With regard to the obligation contained in paragraph 1 of Security Council resolution 1844 (2008), the Aliens Police Law (Federal Law Gazette I No. 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions and to notify the Committee in accordance with this paragraph.
- With regard to the obligation contained in paragraph 3 of Security Council resolution 1844 (2008), the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the

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European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable by up to one year in prison.

- With regard to the obligation contained in paragraphs 6 and 7 of Security Council resolution 1844 (2008), the legal basis for their implementation is a national authorization procedure established by the above-mentioned Council Regulations, the Foreign Trade Act (Federal Law Gazette I No. 50/2005 as amended) and the Foreign Trade Regulation (Federal Law Gazette II No. 121/2006) as well as the War Materials Act (Federal Law Gazette I No. 540/1977 as amended). Non-compliance with the Foreign Trade Act or the War Materials Act constitutes a criminal offence punishable with up to five years in prison or the payment of a fine of up to 360 daily rates.

United Nations S/AC.29/2009/9

Security Council

Distr.: General
3 April 2009

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 March 2009 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and has the honour to attach its report pursuant to paragraph 25 of resolution 1844 (2008) on the steps taken by the Government of the United Kingdom of Great Britain and Northern Ireland to implement paragraphs 1 to 7 of resolution 1844 (2008) (see annex).

09-29280 (E) 130409

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Annex to the note verbale dated 20 March 2009 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

Report of the United Kingdom on the implementation of Security Council resolution 1844 (2008)

Introduction

1. Please see the relevant sections below for details of how the United Kingdom has implemented the measures in paragraphs 1 to 7 of resolution 1844 (2008) within the United Kingdom's legal and administrative structure. The responsible Government department in the United Kingdom, the Foreign and Commonwealth Office, will ensure that details of individuals and entities designated with respect to these measures are transmitted to appropriate government departments and posts overseas.

Assets freeze/travel restrictions

2. There are currently no individuals or entities designated under paragraph 8 of resolution 1844 (2008) as being subject to the financial and travel restrictions imposed by paragraphs 1 and 3 of the resolution.

3. The assets freeze imposed by paragraph 3 of the resolution will be implemented in the United Kingdom through secondary legislation, which will be adopted under the United Nations Act 1946. Such legislation will require the assets of any designated individuals to be frozen and will prevent the provision of funds to such persons, except pursuant to licences issued in accordance with the exemptions set out in paragraphs 4 and 5 of the resolution. HM Treasury will be responsible for the enforcement of this legislation.

4. In order to implement the travel restrictions imposed by paragraph 1 of the resolution, the UK Border Agency will place the details of any designated individuals onto the United Kingdom's border "watch list". UK Border Agency staff will be instructed to refuse those individuals entry to or transit through the United Kingdom, unless a specific exemption is approved in accordance with the provisions of paragraph 2 of the resolution.

Arms embargo

5. The prohibition on the supply to designated persons of weapons and military equipment and technical and other assistance related to military activities, which is imposed by paragraph 7 of resolution 1844 (2008), is implemented through the following measures:

(a) The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003. This includes:

(i) A prohibition on the export of military listed goods from the United Kingdom to all destinations without a licence; the United Kingdom's export control authorities will ensure that licences are not issued for supplies to designated persons;

(ii) A prohibition on the provision of technical assistance by anyone to a person or place outside the European Community, and of technical assistance by a United Kingdom person from a place outside the European Community to a person outside the European Community, in respect of weapons of mass destruction;

(iii) Trans-shipment of military goods (including those controlled under weapons of mass destruction end-use control) through the United Kingdom is prohibited without a licence.

With effect from 6 April 2009, the above Order will be replaced by the Export Control Order 2008, which contains similar provisions;

(b) Council Regulation (EC) No. 147/2003 provides for a prohibition on the provision of financing or financial assistance related to military activities and the grant, sale, supply or transfer of technical advice, assistance or training related to military activities;

(c) The Somalia (United Nations Sanctions) Order 2002 provides for a prohibition on any person within the United Kingdom and on any person elsewhere who is a British citizen, a British overseas territories citizen, a British overseas citizen, a British subject, a British national (overseas) or a British protected person, or a body incorporated or constituted under the law of any part of the United Kingdom:

(i) who, except under the authority of a licence granted by the Secretary of State supplies or delivers, agrees to supply or deliver or does any act calculated to promote the supply or delivery of restricted goods (military goods) to any person in Somalia; or

(ii) who, except under the authority of a licence granted by the Secretary of State, provides directly or indirectly to any person in Somalia any technical advice, financial or other assistance or training related to military activities.

United Nations S/AC.29/2009/10

Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 March 2009 from the Permanent Mission of Australia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Australia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and has the honour to refer to the provisions of resolution 1844 (2008) adopted on 20 November 2008.

The Permanent Mission of Australia has the honour to provide the Chairman with a report on the steps taken by Australia to implement paragraphs 1 to 7 of resolution 1844 (2009), pursuant to paragraph 25 of that resolution (see annex).

09-29293 (E) 150409

Annex to the note verbale dated 20 March 2009 from the Permanent Mission of Australia to the United Nations addressed to the Chairman of the Committee

Report of Australia to the Security Council Sanctions Committee for Somalia pursuant to paragraph 25 of Security Council resolution 1844 (2008) of 20 November 2008

1. In paragraph 25 of its resolution 1844 (2008) the Security Council decided that all States report tc the Committee, within 120 days of its adoption on the steps they had taken to implement paragraphs 1 to 7 of the resolution. The present report describes the steps taken and being taken by Australia to implement those paragraphs.

2. Paragraph 1 of resolution 1844 (2008) reads as follows:

> "*Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 ..."

3. The entry and transit measures that will apply to individuals who are designated by the Committee established by resolution 751 (1992) will be fully implemented by Australia in accordance with the measures that already apply to individuals designated by other committees established by the Security Council in respect of other sanctions regimes.

4. Australia has a universal system. Non-citizens are required to have a visa that permits their travel to and entry into Australia (with limited exceptions) and non-citizens must hold visas that permit them to remain in Australia.

5. In accordance with the Migration (United Nations Security Council) Regulations 2007, a person who is or becomes the subject of a resolution of the Security Council that requires Australia to prevent that person entering or transiting through Australian territory is unable to be granted a visa or, if a visa has already been granted, subject to limited exceptions, will have his or her visa cancelled. The Minister for Immigration and Citizenship specifies by legislative instrument the relevant resolutions to be covered by the Regulations. Resolution 1844 (2008) has been specified in respect of Somalia.

6. The Department of Immigration and Citizenship maintains a Movement Alert List, which includes the names of non-citizens whose eligibility to be granted a visa or whose continuing eligibility to hold a visa may be in issue. The names of all visa applicants are checked against the Movement Alert List prior to any decision to grant a person a visa to enter Australia. The List is electronically accessible to officers of the Department of Immigration and Citizenship posted to Australia's diplomatic and consular missions worldwide. A complete update of the List is sent electronically, at least daily, to Australia's overseas missions. Additional checks are also undertaken at Australian entry points to ensure that any person listed on the List subsequent to a visa grant is identified.

7. Where there may be a potential match between a visa applicant and an individual listed on the Movement Alert List, further enquiries must be made before a visa can be granted, or, if it has already been granted, to consider whether it can or

must be cancelled. Led by the Department of Immigration and Citizenship, this is a consultative process involving all government bodies, which aims to resolve the List alert by examining available data on both applicants and individuals on the List.

8. Should the Committee designate any persons as being subject to travel or transit restrictions under resolution 1844 (2008), the details of those designated persons will be placed on the Movement Alert List.

9. Paragraph 2 of resolution 1844 (2008) reads as follows:

> "*Decides* that the measures imposed by paragraph 1 above shall not apply:
>
> (a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or
>
> (b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region."

10. The Migration (United Nations Security Council Resolutions) Regulations 2007 provide that a visa to travel to or transit through Australia will be permitted where the Minister for Immigration and Citizenship is satisfied that a committee established under a Security Council resolution has:

(a) Determined that the applicant's travel to or transit through Australia is justified; or

(b) authorized the applicant's travel to or transit though Australia.

11. Therefore, Australian law can allow the travel to or transit through Australia of designated persons if the Committee determines, on a case-by-case basis, that the travel or transit is justified on humanitarian grounds or because it would further the objectives of peace and national reconciliation in Somalia and stability in the region.

12. The Migration (United Nations Security Council Resolutions) Regulations 2007 also provide that a visa can be granted to an applicant if the Minister for Immigration and Citizenship is satisfied that the grant of the visa is justified by compelling circumstances including the fulfilment of an international obligation owed by Australia. Determination by the Committee that there are humanitarian or peace and national reconciliation reasons for a designated person to be granted a visa could constitute such compelling circumstances.

13. Paragraph 3 of resolution 1844 (2008) reads as follows:

> "*Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee ... or by individuals and entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals

or entities within their territories, to or for the benefit of such individuals or entities."

14. The Australian Government is amending the Charter of the United Nations (Sanctions — Somalia) Regulations 2008 (Somalia regulations) in order to fully implement paragraph 3 of resolution 1844 (2008). It is anticipated that these amendments will commence on 14 April 2009.

15. The amendments involve the addition of new provisions to the Somalia Regulations that will prohibit a person who holds a controlled asset from directly or indirectly using or dealing with a controlled asset unless the Minister for Foreign Affairs has authorized that use or dealing. "Controlled asset" will be defined to mean an asset that is owned or controlled, directly or indirectly, by a designated person or entity, or by individuals and entities acting on behalf or at the direction of a designated person or entity, or by entities controlled by a designated person or entity. "Designated person or entity" will be defined as a person or entity designated by the Security Council or by the Committee. The new provisions will also prohibit a person from making assets available, directly or indirectly, to, or for the benefit of, a designated person or entity or to individuals and entities acting on behalf or at the direction of a designated person or entity, or to entities controlled by a designated person or entity. These regulations will apply to the actions of all persons within Australia and to Australians anywhere in the world.

16. The new provisions prohibiting the dealing with controlled assets or making assets available to designated persons or entities will be specified by the Minister for Foreign Affairs as United Nations sanction enforcement laws. Contravention of a United Nations sanction enforcement law, or a condition of a permit granted under a United Nations sanction enforcement law, is an offence under section 27 of the Charter of the United Nations Act 1945. The maximum penalties upon conviction for such an offence are, for individuals, 10 years' imprisonment or a fine the greater of 2,500 penalty units or three times the value of the transaction (if this can be calculated). For bodies corporate, the offence is an offence of strict liability unless it can prove that it took reasonable precautions, and exercised due diligence, to avoid contravening the law. The maximum penalty for bodies corporate upon conviction is a fine the greater of 10,000 penalty units or three times the value of the transaction (if this can be calculated). A penalty unit is equivalent to $110 Australian dollars under section 4AA of the *Crimes Act 1914*.

17. Paragraph 4 of resolution 1844 (2008) reads as follows:

> "*Decides* that the measures imposed by paragraph 3 above do not apply to funds, other financial products or economic resources that have been determined by relevant Member States:
>
> (a) to be necessary for basic expenses, including payment of foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or services charges, in accordance with national laws, for routine handling or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of its intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of

a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) to be the subject of judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets or economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee."

18. The amendments to the Somalia Regulations that will be introduced to implement paragraph 3 of resolution 1844 (2008) above will enable the Minister for Foreign Affairs, on application, to authorize payments for:

(a) A basic expense dealing in accordance with subparagraph 4 (a) of resolution 1844 (2008);

(b) An extraordinary expense dealing in accordance with subparagraph 4 (b) of resolution 1844 (2008);

(c) A legally required dealing in accordance with subparagraph 4 (c) of resolution 1844 (2008).

The terms are defined in subregulations 5(3), 5(4) and 5(7) of the Charter of the United Nations (Dealing with Assets) Regulations 2008.

19. Paragraph 5 of resolution 1844 (2008) reads as follows:

"*Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen."

20. The amendments to the Somalia Regulations that will be introduced to implement paragraph 3 of resolution 1844 (2008) will enable the Minister for Foreign Affairs, on application, to authorize payments for contractual dealings in accordance with paragraph 5 of resolution 1844 (2008). Subregulation 5(5) of the *Charter of the United Nations (Dealing with Assets) Regulations 2008* provides for valid contractual dealings such as the provision of interest due on account holdings, or payments under contracts, agreements or obligations made before the date on which those accounts became accounts holding controlled assets. However, once added to an account that has been frozen in accordance with Australia's obligations under resolution 1844 (2008), paragraph 3, such payment will also be frozen until such time as the individual or entity is no longer listed as a designated person or entity.

21. Paragraph 6 reads as follows:

> "*Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007)."

22. The Australian Government implements the general arms embargo against Somalia through the Somalia Regulations. Regulation 8 of the Somalia Regulations prohibits the unauthorized supply, sale or transfer to Somalia of weapons and military equipment which is defined as weapons, ammunition, military vehicles and equipment, spare parts and accessories for military vehicles and equipment, and paramilitary equipment, including bullet-resistant apparel and protective helmets.

23. Under Regulation 9 of the Somalia Regulations, the Minister for Foreign Affairs can authorize the supply to Somalia, in the limited circumstances provided for in previous resolutions of the Security Council, of goods that would otherwise be prohibited. Authorization can be given for the supply, sale or transfer of weapons and military equipment if the supply is:

(a) Solely for the support of, or use by, the mission established by the States of the African Union as authorized by paragraph 4 of resolution 1744 (2007);

(b) A supply of protective clothing that is temporarily exported for the personal use of United Nations personnel, a representative of the media, a humanitarian or development worker or an associated person;

(c) A supply of non-lethal military equipment intended solely for humanitarian or protective use and the supply has been approved by the Committee in advance of the supply occurring;

(d) Solely for the purpose of helping develop security sector institutions consistent with the process set out in paragraphs 1, 2 and 3 of resolution 1744 (2007). In such cases, the Minister for Foreign Affairs must notify the Committee in advance of the intention to grant a permit and allow five working days to elapse before granting the permit during which time the Committee must not have advised against granting the permit.

24. Regulation 8 has been specified by the Minister for Foreign Affairs as a United Nations sanction enforcement law. Contravention of a United Nations sanction enforcement law, or a condition of a permit granted under a United Nations sanction enforcement law (such as a permit granted under Regulation 9) is an offence under section 27 of the Charter of the United Nations Act 1945. The maximum penalties upon conviction for such an offence are, for individuals, 10 years' imprisonment or a fine the greater of 2,500 penalty units or three times the value of the transaction (if this can be calculated). For bodies corporate, the offence is an offence of strict liability unless the body corporate can prove that it took reasonable precautions and exercised due diligence to avoid contravening the law. The maximum penalty for bodies corporate upon conviction is a fine the greater of 10,000 penalty units or three times the value of the transaction (if this can be calculated). A penalty unit is equivalent to $110 Australian dollars under section 4AA of the Crimes Act 1914.

25. Paragraph 7 of resolution 1844 (2008) reads as follows:

> "*Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military

equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below."

26. Regulation 10 of the Somalia Regulations currently prohibits the direct or indirect provision to Somalia of financing for the acquisition or delivery of weapons and military equipment as well as the provision of technical advice or financial or other assistance related to military activities.

27. The amendments to the Somalia Regulations, which are expected to commence on 14 April 2009, will prohibit the direct or indirect supply, sale or transfer of weapons and military equipment to persons or entities designated by the Security Council or the Committee. The amendments will also prohibit the direct or indirect provision to a designated person or entity of technical assistance or training, financing and other assistance including investment, brokering or other financial services related to military activities or the supply, sale, transfer, manufacture or use of weapons and military equipment.

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Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 20 March 2009 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and, according to the provisions of paragraph 25 of resolution 1844 (2008), would like to convey the following information.

The Republic of Estonia, as a member State of the European Union, has been taking part in the preparation of the European Union's legal instruments for implementation of the provisions of resolution 1844 (2008).

After the adoption of the above-mentioned resolution, the European Union initiated the preparation of legal instruments implementing the provisions of resolution 1844 (2008). On 16 February 2009, the Council adopted Common Position 2009/138/CFSP concerning restrictive measures against Somalia. Estonia has already taken certain measures in order to implement restrictions stated in the Common Position.

Preparations are under way to adopt the respective Council regulation. After the adoption of the European Union Council regulation, all legal instruments will be automatically applied to Estonian national legislation.

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United Nations S/AC.29/2009/12

Security Council

Distr.: General
3 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 18 March 2009 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Slovakia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and, with reference to its note verbale dated 17 February 2009, has the honour to state the following:

The Slovak Republic, as a member State of the European Union, has been taking part in the preparation of the European Union's legal instruments implementing provisions of resolution 1844 (2008) in full. After the adoption of the relevant European Union Council regulation, all legal instruments will be automatically applied to Slovak national legislation. The legal instruments of the European Union will ensure consistent implementation by member States, and they are also necessary for full implementation by Slovakia.

The Ministry of Foreign Affairs of the Slovak Republic has brought to the attention of all competent Slovak institutions and authorities the adoption of resolution 1844 (2008), the obligation to fully implement all its respective paragraphs and the obligation to report all registered attempts to violate sanctions introduced by resolution 1844 (2008). All the respective institutions and authorities in Slovakia have carried out the necessary steps to ensure full implementation of the above-mentioned resolution.

Act No. 460/2002 of the National Council of the Slovak Republic, on implementing international sanctions to safeguard international peace and security, ensures the duties and obligations of all authorities in the Slovak Republic.

The implementation of resolution 1844 (2008) in the Slovak Republic is also ensured by the following measures:

(a) Act No. 483/2001 on banks, which lays out to all banks the duty to notify the list of clients under international sanctions. At the same time, all financial institutions participating in the Slovak financial market are obligated to follow all Council regulations and directly freeze all accounts and other financial assets of persons and entities mentioned in the annexes of the resolution;

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(b) Act No. 179/1998, on trading in military equipment, and Act No. 21/2007, laying down conditions for the control of imports, exports and brokering activities relating to goods and technologies subject to international control regimes — Australia Group, Nuclear Suppliers Group;

(c) The wide range of measures introduced into domestic legislation regarding the entry and transit of persons through territory — Act No. 48/2002, on the stay of aliens; Act No. 300/2005, on the penal code of the Slovak Republic; and Act No. 301/2005 on the criminal procedures code, as well as EC regulation No. 562/2006 of the European Parliament and the European Council of 15 March 2006, establishing a community code on the rules governing the movement of persons across borders (Schengen Borders Code).

United Nations S/AC.29/2009/13

Security Council

Distr.: General
3 April 2009
English
Original: French

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 1 April 2009 from the Permanent Mission of Burkina Faso to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) and has the honour to transmit herewith the report of Burkina Faso, pursuant to paragraph 25 of resolution 1844 (2008) concerning measures taken in implementation of paragraphs 1 through 7 of resolution 1844 (2008) (see annex).

09-29312 (E) 160409 160409

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Annex to the note verbale dated 1 April 2009 from the Permanent Mission of Burkina Faso to the United Nations addressed to the Chairman of the Committee

Report of Burkina Faso on the implementation of United Nations Security Council resolution 1844 (2008) concerning sanctions against Somalia

Burkina Faso remains concerned at the situation in Somalia, which is undermining development in that country and poses a threat to international peace and security, particularly in the Horn of Africa.

The sanctions imposed by the Security Council, in particular in its resolution 1844 (2008), provide a genuine opportunity to restore peace to Somalia. The resolution promotes the implementation of the Djibouti Agreement and facilitates the delivery of humanitarian aid, supports the efforts of Somali Transitional Federal Institutions, facilitates the activities of the African Union Mission in Somalia (AMISOM) and prevents the supply of weapons.

Burkina Faso intends to contribute to the international community's efforts by ensuring respect for measures relating to the travel ban, the freeze of financial and economic assets and the embargo on arms and military assistance.

I. Travel ban

Ordinance No. 84-049/CNR/PRES of 4 August 1984 establishes the conditions for nationals and foreigners to enter into, stay in and depart from Burkina Faso. Within this regulatory framework, surveillance of land and airport borders is carried out by the police and gendarmerie at checkpoints.

This system also involves the monitoring of sensitive areas frequented by nationals and foreigners, pre-screening at airport platforms, ongoing registration at border posts, establishment of an operational migration brigade at the Ouagadougou airport, and an in-depth examination of visa and extended stay permit applications.

Lists of individuals subject to sanction and banned from entry into Burkina Faso are transmitted to all monitoring agencies on a regular basis.

With respect to resolution 1844 (2008) concerning Somalia, as no list of individuals or entities has been published to date by the Sanctions Committee, Burkina Faso has not as yet taken any specific measures.

II. Freeze on financial, economic and other assets

With regard to the freeze on financial assets, generally speaking, when such measures are taken by the Security Council, information on the accounts identified is transmitted and systematically verified with the banks and financial institutions in question through the Professional Association of Banks and Financial Institutions of Burkina Faso (APBEF-B) and the Central Bank of West African States (BCEAO).

Monitoring of economic assets is carried out by real estate companies, the Ministry of Trade, Industry and Crafts, the Ministry of Economic Affairs and Finance, and the Ministry of Justice, which examine various databases, such as business registers, registers of professional business cards, registers of transport professionals, as well as the register of Unique Taxpayer Numbers and the register of Burkina Faso taxpayers.

This system makes it possible to freeze financial, economic and other assets belonging to individuals or entities targeted by Security Council sanctions.

With regard to cash, as no list of individuals or entities has been published to date, no specific measures have as yet been taken by the Burkina Faso authorities.

III. Embargo on arms and military assistance

With regard to the monitoring of arms and military assistance, Burkina Faso has established a high authority to monitor the import and use of arms, and a national commission to combat the proliferation of light weapons (CNLPAL), both of which come under the direct authority of the prime minister and head of Government.

This mechanism ensures that all suspect activity relating to possible arms trafficking from, by way of or into Burkina Faso is detected and apprehended.

Conclusion

In order to effectively and efficiently implement Security Council resolution 1844 (2008) concerning sanctions against Somalia, all relevant agencies have been informed, and an interministerial committee is being established to ensure compliance with all Security Council sanctions.

Burkina Faso wishes to reiterate to the Committee its determination and commitment to ensuring strict compliance within its national territory with the measures set forth in Security Council resolution 1844 (2008) concerning Somalia.

United Nations S/AC.29/2009/14

Security Council

Distr.: General
7 April 2009

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Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 7 April 2009 from the Permanent Mission of the United States of America to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United States of America presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and has the honour to enclose the report of the United States of America on the implementation of sanctions imposed by Security Council resolution 1844 (2008) (see annex).

09-29687 (E) 130409

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Annex to the note verbale dated 7 April 2009 from the Permanent Mission of the United States of America to the United Nations addressed to the Chairman of the Committee

Report of the United States of America on the implementation of sanctions imposed by Security Council resolution 1844 (2008)

Security Council resolution 1844 (2008) expanded the Somalia sanctions regime from a comprehensive arms embargo to include targeted measures. Those designated by the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia are subject to an asset freeze, travel ban and arms embargo wherever they are located. The comprehensive arms embargo on Somalia is still in effect. The Security Council decided in paragraph 25 of resolution 1844 (2008) that all Members States shall report to the Committee on the steps they have taken with a view to implementing paragraphs 1 to 7 of the resolution.

Travel ban

Under the applicable provisions of the Immigration and Nationality Act, the United States will take the necessary measures to prevent the entry into or transit through the United States territories of individuals designated by the Committee, provided that the individuals are not nationals of the United States.

Travel exemptions will be granted if the Committee determines the travel to be justified on the grounds of humanitarian need, including religious obligation, or if it will further the objectives of peace and national reconciliation in Somalia and stability in the region, or if the United States is obliged to permit the travel by virtue of the Headquarters Agreement.

Asset freeze

The United States will take the necessary measures to freeze without delay the funds, other financial assets and economic resources which are within the jurisdiction of the United States, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee. Additionally, the United States shall ensure that any funds, financial assets or economic resources are not made available to or for the benefit of designated individuals and entities by United States nationals or by any individuals or entities within the territory of the United States.

Asset freeze exemptions will be granted if the United States determines they are necessary for basic expenses, extraordinary expenses, or to satisfy a judicial, administrative or arbitral lien or judgment, provided the lien or judgment was entered into prior to 20 November 2008, is not for the benefit of a designated individual or entity, and has been notified to the Committee.

The United States will permit the addition to the accounts frozen of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolution 1844 (2008); any such interest, other earnings and

payments will continue to be subject to the provisions of the resolution and will be frozen.

The United States will implement the asset freeze pursuant to Presidential authorities under the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code.

Arms embargo

The United States complies with the general and complete arms embargo against Somalia imposed by Security Council resolution 733 (1992), as elaborated and amended by Security Council resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007). The United States export controls are implemented through the Arms Export Control Act and the International Traffic in Arms Regulations.

The United States munitions export control system is designed to deny adversaries and parties whose interests are inimical to those of the United States access to United States-origin defense equipment and technology. This function is administered by the Directorate of Defense Trade Controls, and the United States Department of State. The export control process is closely regulated and excludes the participation of embargoed and other ineligible parties in United States defense trade.

The United States will take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals and entities designated by the Committee.

The United States requires all United States persons that manufacture or export defense articles, furnish defense services, or United States and foreign persons engaged in arms brokering to register with the Department of State. The Department of State must approve a license application prior to the export of defense articles or defense services. A review of all parties to the proposed transactions, including end-users, is made against a "Watch List," which includes individuals and entities designated by the United Nations Sanctions Committees. Pursuant to the Arms Export Control Act, arms export control violations, including provision of defense equipment and technology to ineligible persons and associate persons are subject to strict criminal and civil penalties. Criminal penalties may include a jail sentence of 10 years and/or $1 million for each violation. Possible civil penalties include debarment from participation in United States defense trade and monetary penalties up to $500,000 per violation.

United Nations S/AC.29/2009/15

Security Council

Distr.: General
15 April 2009

Original: English

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Note verbale dated 14 April 2009 from the Permanent Mission of Lebanon to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and, with reference to the latter's note verbale dated 17 February 2009, has the honour to inform the Chairman that the competent authorities at the Ministry of Defence of Lebanon have fully implemented all the resolutions adopted by the Council. In this regard, the Ministry took the necessary measures to enhance the control mechanisms along the border and to combat illicit trafficking in arms.

09-30391 (E) 170409

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